

FILED
UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MAR 03 2016

5:30 pm

CS6

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 15-cr-4268-006 KG

EUGENE MARTINEZ,

Defendant.

ORDER FOR EVALUATION TO DETERMINE COMPETENCY


THIS MATTER having come before the Court on the Unopposed Motion for Determination of Mental Competency to Stand Trial and Psychiatric and Psychological Examination (Doc. 292) filed by defense counsel on behalf of defendant, Eugene Martinez, pursuant to 18 U.S.C. § 4241; it appearing that the government does not oppose the granting of this motion; the Court being advised of the circumstances of this matter; the Court finds the motion to be well taken and should be GRANTED.

IT IS THEREFORE ORDERED that there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. As such, defendant Martinez is therefore ordered to receive a psychiatric and psychological examination in accordance with 18 U.S.C. § 4241(b).

IT IS FURTHER ORDERED that, for purposes of this competency examination ordered pursuant to 18 U.S.C. § 4241, the defendant is committed to the custody of the Attorney General for placement in a suitable facility to be examined for a reasonable period, but not to exceed four

(4) months. If the defendant does not attain the capacity to permit the proceedings to go forward after a reasonable period of time, not to exceed four (4) months, the Court shall hold a status hearing in order to determine whether an additional reasonable period of time for treatment will be required for the defendant to attain the capacity to permit the proceedings to go forward. Such status hearing shall take place via video conference from the Federal Medical Center such that the defendant will not be needlessly transported back to New Mexico if he is still in need of treatment.

IT IS FURTHER ORDERED that Defendant not be questioned regarding his pending charges, and, pursuant to Rule 12.2 of the Federal Rules of Criminal Procedure, neither any statement by the defendant in the course of the examination, nor the fruits of any statement made by the defendant in any criminal proceeding, except on an issue respecting mental condition on which the defendant has introduced testimony, be admitted into evidence.


KENNETH J. GONZALES
UNITED STATES DISTRICT JUDGE